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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,851	12/29/2004	Masanori Itoh	MTS-3472US	9473

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P O BOX 980  
VALLEY FORGE, PA 19482-0980

EXAMINER
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NGUYEN, LINH THI

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/519,851

Applicant(s)

ITOH, MASANORI

Examiner

Linh T. Nguyen

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17, 20-23 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 14-16, 20-23 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 11, 13 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 12, 14, 16, 17, 20-23, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Okita et al (JP Publication 2001169250).

In regards to claims 1, 20, 22, and 25, Okita et al discloses a reproducing apparatus (Fig. 1) method and program comprising: a reproducing unit (Fig. 1 element 200) that extracts (Fig. 1, element 29), recorded signals from a recording medium (Fig. 1, recording signal 17 from the medium 20) in which signals that have same contents but are compressed in plurality of different bit rates (Fig. 1, element 21, MPEG1 or MPEG2), and record management information that denotes a mutual association between said signals that have the same contents but are compressed in a plurality of different bit rates (Fig. 1, element 13); a decoding unit (Fig. 1, element 19) that decodes any of said signals extracted from said recording medium (Fig. 1, element 17), in correspondence to said record management information (Fig. 1, element 13), reproduction management information including reproduction interruption information that denotes a point of interruption in time of a reproduction of signals from said recording medium (Paragraph [0094]), wherein the decoding unit decodes said signals according to a selected bit rate of said plurality of different bit rates from said point of

interruption in time (Fig. 1, the interruption is store in the memory cards 31 or in the 26 the viewing/listening address management department; sends the signal back to decoding 19 of the image server 100 to select the bit rate; Paragraphs [0039], [0040], [0041], and [0042]).

In regards to claim 2, Okita et al discloses the reproducing apparatus, wherein recording unit (Fig. 1, element 100) records said reproduction management information (Fig. 1, element 13) on said recording medium (Fig. 1, element 31).

In regards to claim 3, Okita et al discloses the reproducing apparatus, further comprising a built-in flash memory, wherein said reproduction management information is recorded on said flash memory (Fig. 1, element 31 or Paragraph [0056]).

In regards to claims 4, 21, and 23, Okita et al discloses an apparatus, method and program, wherein said reproducing unit (Fig. 1 element 200) further extracts said reproduction management information (Fig. 1, element 29) information from said flash memory (Fig. 1, element 31), and based on the said record management information (Fig. 1, element 13) and said reproduction management information (Fig. 1, element 28), extracts (Fig. 1, element 29), form said recording medium (Fig. 1, element 20), signals after signals corresponding to said reproduction interruption information included in said reproduction management information (Fig. 5, is the recording of time of

Art Unit: 2627

each title or address, therefore, would know exactly where the interruption in time;

Paragraph [0093]).

In regards to claims 5/1, 5/2, 5/3 and 5/4, Okita et al discloses the reproducing apparatus, wherein said reproduction interruption information concerns elapsed time from start of reproduction of said signal (Paragraph [0094] and Fig. 4).

In regards to claim 6, Okita et al, wherein said recording unit (Fig. 1, element 100) further records, in correspondence to said record management information (Fig. 1, element 13) and said reproduction management information, identification information of said recording medium on said flash memory (Fig. 1, element 20 recording medium to the flash memory 31).

In regards to claim 7, Okita et al discloses the reproducing apparatus, wherein said reproducing unit (Fig. 1 element 200) further extracts said record management information (Fig. 1, element 29), said reproduction management information, and said identification information of said recording medium (Fig. 1, elements 13 and 28), any of signals extracted from said recording medium is suitable for said reproducing unit and/or said decoding unit (Fig. 1, elements 29), and said reproducing unit, based on said record management information, said reproduction management information, and said identification information of said recording medium (Fig. 1, element 13 and 28), further extracts, from said recording medium, signals after signals corresponding to said

Art Unit: 2627

reproduction interruption information included in said reproduction management information (Paragraph [0092]).

In regards to claim 8, Okita et al discloses the reproducing apparatus, wherein said different conditions concern different bit rates, different numbers of pixels, or different compression methods (Paragraph [0072]).

In regards to claim 9, Okita et al discloses the reproducing apparatus, wherein said signals that have the same contents but are compressed in a plurality of different bit rate (Fig. 1, element 18) are recorded on said recording medium (Fig. 1, element 31) so that each of said signals can be continuously reproduced (Paragraph [0055]).

In regards to claims 10, 12 and 13, Okita et al discloses the reproducing apparatus, wherein said signals that have the same contents but are compressed in a plurality of different bit rate (Fig. 1, element 18, MPEG1/2) are recorded respectively in continuous data areas (Fig. 4), each of which has size that is equal to or larger than a predetermined size (Fig. 2 and Fig. 4, the amount of time is the predetermined data size).

In regards to claim 14, Okita et al discloses the reproducing apparatus, wherein said decoding unit (Fig. 1, element 18) further decodes signals compressed in a plurality

of different bit rate (MPEG1/2) that are extracted from said recording medium (Fig. 1, element 20).

In regards to claims 16, 23 and 26, Okita et al discloses a recording method, comprising the steps of: (a) recording, on a recording medium (Fig. 1, element 31), signals that have same contents (video data) but are compressed in a plurality of different bit rates (Paragraphs [0041] and [0042]; MPEG1/2) and record management information that denotes a mutual association between said signals that have the same contents but are compressed in a plurality of different bit rates (Fig. 1, element 28; Paragraphs [0059] and [0062]); (b) extracting a signal recorded on said recording medium (Fig. 1, element 17); (c) decoding the signal extracted in step (b) (Fig. 1 element 19), and wherein said signals in step (a) that have the same contents (video data) but are compressed in a plurality of different bit rates (MPEG1/2), respectively, are recorded in continuous data areas (Fig. 2, recorded 0-30 or 0-20-30), each of which has size that is equal to or larger than a predetermined size (Fig. 2, the predetermine size is form 0-30), and said continuous data areas are recorded in a form of being repeatedly alternately arranged (Fig. 2, the second recording from 0-20-30-50 are alternately arranged).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okita et al (JP Publication 2001169250) in view of Applicant Admitted Prior Art (AAPA).

In regards to claim 15, Okita et al does not but AAPA discloses the reproducing apparatus, wherein said different compression methods are MPEG2 and MPEG4, respectively (Paragraph [0002] and [0003]). At the time of the invention it would have been obvious to person of ordinary skill in the art to modify the selection of compression of Okita et al with MPEG2 and MPEG4 as suggested by AAPA. The motivation for doing so would have been to record/reproduce with lower bit rate.

In regards to claim 27, Okita et al discloses a recording method comprising of: (a) recording, on a recording medium, at least one source of video signals (Paragraph [[0040]); (b) compressing the video signals at a first bit rate (Paragraph [0041]); compressing the video signals at a second bit rate, second bit rate being different from the first bit rate (MPEG1 and MPEG2, Paragraph [0042]); (d) recording record management information that denotes a mutual association between the video signals compressed at a first bit rate (Paragraph [0041], MPEG1/2 160x120 dots) in step (b) and the video signal compressed at a second bit rate in step (MPEG1/2 160x120) (c) that have the same contents (video data); (e) extracting a signal recorded on said



Art Unit: 2627

recording medium (Fig. 1, element 17); (f) decoding a signal extracted from said recording medium (Fig. 1, element 19), and wherein said video signal compressed in said first and second bit rates are recorded in continuous data areas (Fig. 2, recorded 0-30 or 0-20-30), each of which has size that is equal to or larger than a predetermined size (Fig. 2, the predetermine size is form 0-30), and said continuous data areas are recorded in a form of being repeatedly alternately arranged (Fig. 2, the second recording from 0-20-30-50 are alternately arranged). However, Okita et al does not disclose audio signal.

In the same field of endeavor, AAPA discloses a recording method that has a source of audio signals (Fig. 16, element 102). At the time of the invention it would have been obvious to a person of ordinary skill to modify the recording method of Okita to have an audio signal as suggested by AAPA. The motivation for doing so would have been to record/reproduce audio and video in the same equipment.

### ***Allowable Subject Matter***

Claims 11, 13, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The reason for allowance has been is stated in the previous office action.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 16, and 20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

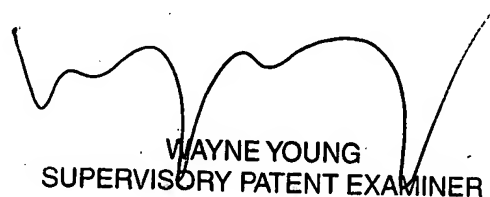
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh T. Nguyen whose telephone number is 571-272-5513. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN  
February 15, 2007



WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER